

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: February 21, 2021

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER INVOLVED SHOOTING 012-20 FOR 3/2/21 CLOSED-SESSION  
AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ( )</u>	<u>Uniform-Yes (X) No ( )</u>
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Hollenbeck	4/15/20	11:00 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Urbina, L./PO III	12 years, 7 months
Redshaw, T./PO III	25 years, 4 months

Total Involved Officer(s)

2 x PO III

<u>Suspects</u>	<u>Deceased ( )</u>	<u>Wounded ( )</u>	<u>Non-Hit (X)</u>
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Santos Orduno: Male Hispanic, 20 years of age.

**COP Recommendations**

**Tactics** – Tactical Debrief, Officers Urbina and Redshaw.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Urbina and Redshaw.

**Lethal Use of Force** – In Policy, No Further Action, Officers Urbina and Redshaw.

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Lethal Use of Force** – Same as COP.

## **Table of Contents**

I.	Investigation	
i.	Annotated Force Investigation Division (FID) Incident Summary	p. 3
II.	Chief of Police Report	
i.	Chief of Police Findings	p. 18
ii.	Chief of Police Analysis	p. 18
III.	Inspector General Review	
i.	Inspector General Analysis	p. 45
ii.	Inspector General Recommendations	p. 46

## **INVESTIGATION**

### **Annotated Force Investigation Division Incident Summary**<sup>1</sup>

#### **Synopsis**

Metropolitan Division officers, working in Hollenbeck Division, were driving north on Savannah Street approaching Cesar E. Chavez Avenue when they heard multiple gunshots. Upon stopping at the intersection, they observed two suspects running east on the south sidewalk of Cesar E. Chavez Avenue toward their position. One of the suspects was armed with a pistol which he pointed in the officer's direction resulting in an Officer-Involved Shooting (OIS).

#### **Investigative Summary**

On Wednesday, April 15, 2020, uniformed Police Officer III Luis Urbina, Serial No. 38969, driver, and Police Officer III+I Thomas Redshaw, Serial No. 31378, passenger, were assigned to Metropolitan Division, unit R11W6.<sup>2</sup> On this date they were assigned crime suppression in Hollenbeck Division due to a recent uptick in gang related shootings. The officers were in Shop No. 80430, a dual purpose, silver, Ford Explorer, Sport Utility Vehicle (SUV).

Officers Urbina and Redshaw had been assigned to Metropolitan Division for four and one-half years and ten years, respectively. During their tenure at Metropolitan Division they had been assigned the same platoon and at the time of this incident they had been assigned as partners for approximately two months. As platoon members they participated in divisional training and more specifically, as partners, they routinely discussed tactics. They covered topics such as PATROL, contact and cover and foot pursuits and often debriefed their own incidents as well as critical incidents in and around the Department.

At approximately 2300 hours, the officers were travelling north on Savannah Street approaching Cesar E. Chavez Avenue. Both officers had their windows down. Upon approaching the intersection, Officers Urbina and Redshaw heard what they believed to

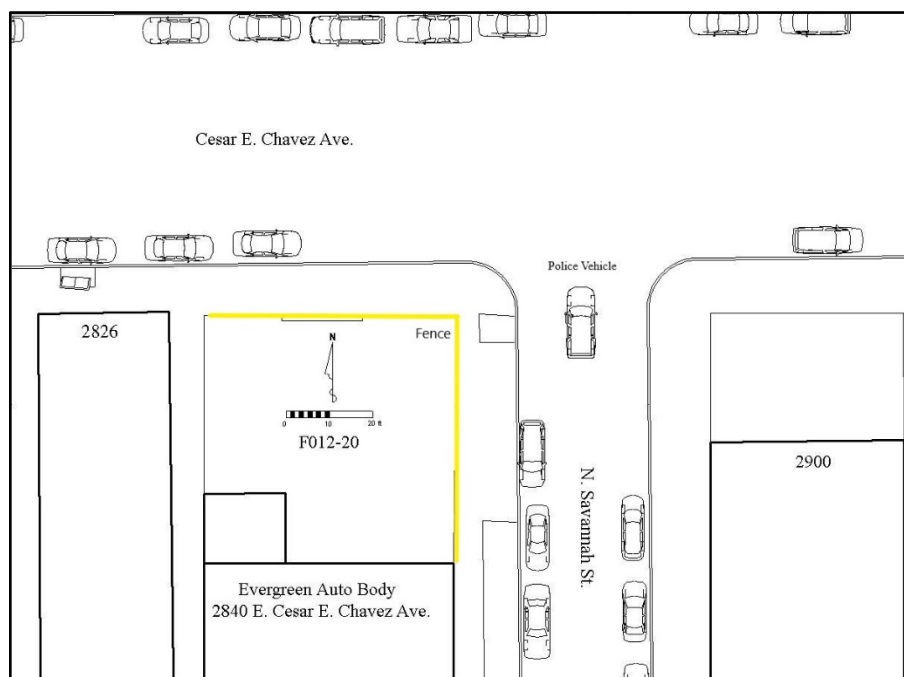
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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

<sup>2</sup> Officer Urbina, twelve years seven months with the Department, 39 years of age, 5 feet 6 inches tall, 200 pounds. Officer Redshaw, 25 years, four months with the Department, 49 years of age, 5 feet 10 inches tall, 200 pounds. Officers Urbina and Redshaw were wearing Metropolitan Division Utility uniforms along with their ballistic vests and had Department approved handguns, handcuffs, canisters of Oleoresin Capsicum (OC) Spray, collapsible batons and Tasers attached to their tactical belt. Officer Urbina had his Hobble Restraint Device (HRD) on his person while Officer Redshaw had his HRD in the vehicle.

be multiple gunshots. According to Urbina, he heard approximately six to eight gunshots, while Redshaw believed he heard approximately five gunshots.

According to the officers, at the time of the gunshots they were unable to see who was shooting or what was occurring. The closed business on their left (west) had a six-foot six-inch high perimeter fence comprised of corrugated metal while the closed business on their right (east) had a perimeter fence comprised of chain link fencing with vehicles parked within the property. Both businesses had their fence lines adjacent to the sidewalks on Cesar E. Chavez Avenue and on Savannah Street; thereby, hindering the officers' views to the east and the west on Cesar E. Chavez Avenue.



Intersection of Cesar E. Chavez Ave and Savannah Street

As Officer Urbina stopped the police vehicle at the south edge of the intersection, he and Officer Redshaw looked to their left (west) and saw two males on the south sidewalk of Cesar E. Chavez Avenue running in their direction. According to Urbina, he saw two people laying on the ground beyond the two males running in his direction, while Redshaw saw one person down on the ground.

According to both officers, based on the totality of hearing the gunfire, followed by seeing potential victims lying on the ground and two potential suspects running away from those victims, they believed that a shooting had just occurred. One of those suspects was subsequently identified as Santos Orduno while Suspect Two was not identified (Investigator's Note No. 1).<sup>3</sup>

<sup>3</sup> Santos Orduno, male Hispanic, 20 years old, five feet, four inches tall, 155 pounds.

Officer Urbina placed his vehicle in park and immediately identified that Orduno was running with a pistol in his hand. According to Urbina, although he was not positive, he believed the pistol was in Orduno's left hand. Believing that a gang-related shooting had just occurred, and the armed suspects of that shooting were running directly at him, Officer Urbina unholstered his pistol with his right hand as he remained seated in the police vehicle. He considered opening his door and stepping out; however, he quickly discarded that idea as he believed in doing so, he would not have any cover as Orduno and Suspect Two were running directly at him. Urbina brought his pistol across his body towards his driver's side window. He acquired a two-handed grip as he twisted his body to the left toward Orduno and his accomplice.

Simultaneously, as Officer Urbina was unholstering his pistol, Officer Redshaw opened his passenger side door and exited the police vehicle. He stepped out adjacent to a vehicle parked facing north along the east curb and immediately identified an unknown male seated in the driver's seat. According to video surveillance, Redshaw moved north toward the front bumper and across the front of that vehicle to the sidewalk before the vehicle immediately drove off east on Cesar E. Chavez Avenue out of sight.<sup>4</sup>

**Note:** According to Officer Redshaw, he believed he exited and immediately moved to the rear of his police vehicle.

Officer Redshaw redeployed to the right rear corner of his police vehicle and now clearly identified Orduno and his accomplice near the southwest corner of Cesar E. Chavez Avenue and Savannah Street. Redshaw saw that Orduno was running with a pistol in his hand; although, he could not remember which hand. Believing that a shooting had just occurred and that Orduno and his accomplice were suspects of that shooting, Redshaw unholstered his pistol with his right hand.

According to the officers, the encounter with Orduno and his accomplice occurred almost immediately after hearing the initial gunshots. As a result, neither officer had a chance to communicate with each other about what they were hearing or seeing, they did not have a chance to broadcast any information to Communications Division, or to identify themselves or give any verbal commands to the suspects.

**The following is an account of Officers Urbina's and Redshaw's perceptions of Orduno and his actions resulting in the discharge of their weapons. Both officers were equipped with body-Worn Video (BWV). However, neither officer activated their cameras; therefore, the Officer-Involved Shooting (OIS) was not captured on their BWV or any other video surveillance systems.**

According to **Officer Urbina**, Orduno was running toward him and looking directly at him as he began to raise what Urbina believed was his left hand holding the pistol and pointed it in his direction. At about this time, Orduno turned to run south on the west

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<sup>4</sup> The video was collected from a laundromat located on the north side of the intersection at 2817 Cesar E. Chavez Avenue. The vehicle and the driver of the vehicle were not identified during this investigation.

sidewalk of Savannah Street. However, according to Urbina, Orduno ran south and looked back toward him (Urbina) with his arm extended out as he continued to point the pistol at him. Seeing that Orduno was armed with a pistol and believing he had the proclivity to use it, Urbina believed Orduno was intent on shooting him. In immediate defense of his and Officer Redshaw's life, Urbina fired two rounds at Orduno in a southwesterly direction from an approximate distance of 30 feet. Urbina aimed at Orduno's upper torso; however, both fired projectiles missed Orduno and impacted the corrugated metal fencing beyond him.

Officer Urbina's BWV was turned off at the time of the OIS. According to Urbina, it had been his practice to shut down his BWV after an activation to ensure it had stopped recording. He would then immediately turn the camera to the on position. Prior to the OIS, Officer Urbina had the camera shut down. At the time of the OIS, Officer Urbina did not have time to immediately activate his camera, as the events unfolded rapidly. After the OIS, Officer Urbina powered on the BWV and activated the camera; therefore, his video did not have a two-minute buffer and did not capture the OIS.<sup>5</sup>

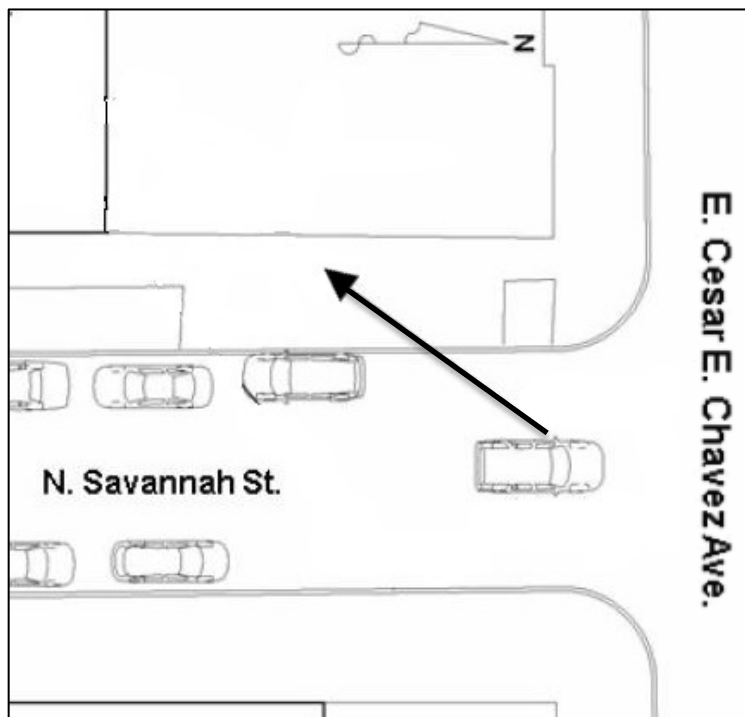


Officer Urbina's position and direction of fire.

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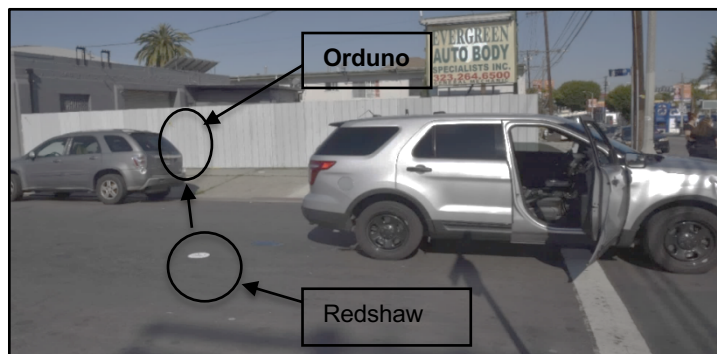
<sup>5</sup> A complaint was generated for having the BWV powered off, CF No. 20-001050.



Officer Urbina's position and direction of fire.

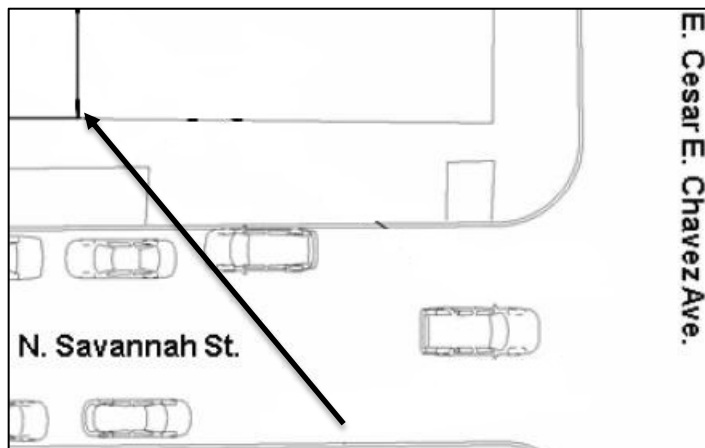
According to **Officer Redshaw**, as Orduno turned the corner and ran south on Savannah Street he was moving his arms in a running/pumping motion with the pistol in his hand. However, Redshaw believed Orduno was intent on shooting at him when he (Orduno) raised the pistol toward him (Redshaw). At that moment, in immediate defense of his life, he fired one round in a southwesterly direction at Orduno's center body mass from an approximate distance of 32 feet. The fired projectile missed Orduno and impacted the corrugated metal fencing located beyond him.

According to Officer Redshaw, he believed he fired his pistol at Orduno from a position near the rear corner panel of his police vehicle as he (Orduno) was running south on the sidewalk, as depicted in the below picture.



Position and direction of fire according to Officer Redshaw.

An analysis of physical evidence at the crime scene determined Officer Redshaw was further south of the rear corner panel of his police vehicle, as depicted in the below diagram. This analysis could not identify his (Renshaw's) exact position as being in the street or on the east sidewalk at the time he fired his pistol at Orduno.



Trajectory of Officer Redshaw's fired round.

Officer Redshaw's BWV was powered on at the time of the OIS; however, upon exiting the vehicle his camera was dislodged from its carrier. The BWV camera fell onto the street at the northeast corner of Savannah Street and Cesar Chavez Avenue. Redshaw noticed his BWV camera had fallen off when he attempted to activate the camera. He believed he attempted to activate the camera just after he fired his pistol.

Orduno and his accomplice continued to run south on Savannah Street concealed behind vehicles parked along the west curb. At 2300:05 hours, Officer Redshaw broadcast, "*R11, Officer needs help, shots fired Savannah and Cesar Chavez. Let me get an RA.*"<sup>6</sup>

**OIG Note No. 1:** FID filed a supplemental report on January 4, 2021 which indicated that the correct time of the broadcast referenced above was 2259:47 hours.

At 2302 hours, Police Officers III Robert Del Papa, Serial No. 37526 and Victor Hooper, Serial No. 38449, assigned to Metropolitan Division, unit R2W6, were one of the first units to respond to the scene. Del Papa approached Officer Redshaw who directed him to Victims Monarrez and Martinez. Both victims were approximately 150 feet west of Savannah Street, laying on the south curb and sidewalk area of Cesar Chavez Boulevard.

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<sup>6</sup> Communications Division Incident No. 20041500006384. Communications Division requested access into the scene, for the Rescue Ambulance (RA) at 2306 hours. The RA was granted access to the scene at 2310 hours.



Both Officers Redshaw and Urbina advised responding officers that the victims were on Cesar Chavez Avenue while the suspects were last seen running south on Savannah Street. Redshaw and Urbina established a perimeter for the outstanding suspects. The perimeter encompassed an approximate four block area from Cesar Chavez Avenue south to 1<sup>st</sup> Street and from Mott Street on the west toward Evergreen Avenue on the east.



Perimeter

At 23:02 hours, uniformed Sergeant II John Gregozek, Serial No. 34087, assigned to Metropolitan Division, unit 50B, arrived at Savannah Street and Cesar Chavez Boulevard. Sergeant Gregozek separated Officers Urbina and Redshaw and obtained a Public Safety Statement (PSS) from Urbina at approximately 2310 hours. At 2305 hours, Uniformed Sergeant II Dontae Phillips, Serial No. 36650, assigned to Metropolitan Division, unit 60B, obtained a PSS from Officer Redshaw.

At 2303 hours, Police Officer II+6 Victor Pappas, Serial No. 34661, pilot, and Police Officer II+4 Matthew Sikorski, Serial No. 38372, Tactical Flight Officer, assigned to Air

Support Division, unit Air 3, responded to assist with managing the perimeter and providing aerial support.

Sergeant II Daniel Vasquez, Serial No. 34568, assigned to Metropolitan Division, unit 20B, arrived on the scene; he broadcast and established himself as the Incident Commander at 2338 hours. A Command Post (CP) was established on Cesar Chavez Avenue, east of Evergreen Avenue.

Once the perimeter was established, additional resources were requested. Metropolitan Division K9 units responded to the scene to conduct a search for the suspects. Police Officer III Steven Jenkins, Serial No. 26806, assigned to Metropolitan Division, unit K9-3, led one of the established teams, consisting of Metropolitan Division Police Officers III Maricela Corral, Serial No. 40625, unit K9-19, Thomas Call, Serial No. 27480, unit K9-7, Salvador Torres, Serial No. 37671, unit R167 and David Ramirez, Serial No. 39363, unit R41. After a systematic search, Orduno was located at 112 North Saratoga Street. Orduno moved back and forth from the roof of the residence, to an adjacent storage container (Investigators' Note No. 2).

Police Officer III Steven Wills, Serial No. 33368, assigned to Metropolitan Division, unit K9-16, verbalized with Orduno to surrender, as he was surrounded by officers as well as the K9 police dogs. After approximately 15 minutes of verbalizing with Orduno, he surrendered to Police Officer III David Ramirez, Serial No. 39363, Metropolitan Division, unit K9-11, who was atop the storage container. Orduno stepped onto the container from the roof. Officer Ramirez assisted in lowering Orduno to the ground; Officer Wills took him into custody without incident.

At 23:03 hours, the Los Angeles Fire Department (LAFD) received the alarm to respond to Cesar E. Chavez Avenue and Savannah Street.<sup>7</sup>

At 23:10 hours, LAFD personnel arrived at scene and transported Victims Martinez and Monarrez to Los Angeles County, University of Southern California Medical Center for multiple gunshot wounds. Martinez succumbed to his injuries and was pronounced deceased at 2344 hours by Doctor Darby (Addendum No. 1).<sup>8</sup>

At 2335 hours, the Department Command Post was notified of the Categorical Use of Force (Addendum No. 2).

The first representative from Force Investigation Division arrived at 0110 hours.

Force Investigation Division Detective II Heather Gahry, Serial No. 31089, reviewed all documents and circumstances surrounding the separation, monitoring and the

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<sup>7</sup> Los Angeles Fire Department Incident No. 1436.

<sup>8</sup> Communications Division requested access into the scene, for the Rescue Ambulance (RA) at 2306 hours. The RA was granted access to the scene at 2310 hours

admonition not to discuss the incident to officers prior to being interviewed by FID investigators. All protocols were followed and properly documented (Addendum No. 3).

### **Scene Description**

The OIS occurred in the 300 block of North Savannah Street as it intersected with Cesar E. Chavez Avenue. Savannah Street was a north/south roadway with a single lane of traffic in each direction and parking along the west and east curbs. Savannah Street measured approximately 26 feet in width, with approximate 14 feet wide concrete sidewalks, lining the street. The neighborhood consisted of both commercial and residential properties.

Specifically, the OIS occurred on Savannah Street just south of the southern edge of Cesar E. Chavez Avenue. The officer's vehicle was stopped facing north with the front tires north of the limit line. At the time of the OIS, Officer Urbina was seated in driver's seat while Officer Redshaw was standing in the roadway toward the rear of the SUV and Orduno was running south on the west sidewalk of Savannah Street.

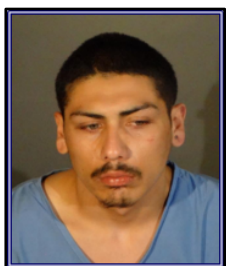
The OIS occurred during the hours of darkness at approximately 2300 hours. Artificial illumination was provided by over-hanging streetlights on the south curb of Cesar Chavez Boulevard, west of Savannah Street and on the east curb of Savannah Street, south of Cesar Chavez Boulevard.

The environmental conditions were dry with clear skies.

### **Canvass For Witnesses**

On April 16, 2020, FID, Hollenbeck Area, and Metropolitan Division personnel canvassed the area of Savannah Street and Cesar E. Chavez Boulevard for witnesses to the OIS. An additional canvas was conducted by FID personnel on April 19, 2020. The number of gunshots heard by witnesses ranged from two to fifteen. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report. There were nineteen witnesses who only heard shots. Copies of their statement forms are in the FID casebook.

### **Suspect Information**



**Santos Orduno** was a male Hispanic with black hair and green eyes. At the time of the incident, he was five feet, four inches tall, weighed 155 pounds, and had a date of birth of December 9, 1999. Orduno was identified by CII No. A35650751. According to Central Bureau Homicide, Orduno was a newer member of the "So What Crew" clique of "Primera Flats" criminal street gang. Orduno was not the subject of any Mental Evaluation Unit contacts.

Orduno's criminal history included arrests for attempted robbery and vandalism; however, he did not have any convictions.

Los Angeles Police Department Investigative Reports for Murder, Attempted Murder and Burglary were completed by Central Bureau Homicide Detectives naming Orduno as the suspect (Addendum No. 4).

Los Angeles Police Department Investigative Reports were also completed for ADW on a Police Officer for officers Urbina and Redshaw naming Orduno as the suspect (Addendum No. 5).

On April 20, 2020, LAPD Central Bureau Homicide Detective I Alejandro Feria, Serial No. 39922, and Detective II Sergio Martinez, Serial No. 31580, presented a criminal complaint to Los Angeles County Deputy District Attorney Michael Enomoto, who filed one count Murder, one count Attempted Murder, two counts Assault with a Firearm upon a Police Officer and one count of Residential Burglary with Person Present (Addendum No. 6).

## **Injuries**

At 2304 hours, LAFD Rescue Ambulance No. 1, staffed by Firefighter/Paramedics (FF/PM) Blake Robbins and Roland Bonada along with and RA No. 25, staffed by Firefighter/Paramedics Gregory Davis and David Luke received an alarm to respond to Cesar Chavez Boulevard and Savannah Street.

At 2310 hours, RA No. 1 and RA No. 25 arrived on scene. Both victims, Jesus Martinez and Leopoldo Monarrez, were transported to Los Angeles County Medical Center for medical treatment of multiple gunshot wounds. Jesus Martinez succumbed to his injuries and was pronounced deceased by Doctor Darby at 2344 hours (Addendum No. 1).

## **Evidence**

At approximately 0729 hours, LAPD Forensic Science Division (FSD), Firearm Analysis Unit (FAU) Supervising Criminalist Julia Wilkinson, Serial No. N4403, Criminalists II Annette Woiwode Serial No. N4427, Dyna Shirasaki, Serial No. N4504, Lauren Aguirre , Serial No. N5589, Kori Hawk, Serial No. N4636, and Criminalist I Demetrius Cummings, Serial No. N5809 responded to the scene and conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles (Addendum No. 7). As a result of their examination, numerous items of evidence were recovered. Included in those items were expended cartridge cases, Items 1 through 10, from the homicide scene on Cesar E. Chavez Avenue west of Savannah Street. Additionally, one expended 9mm cartridge case, Item 17, and two expended .45 caliber cartridge cases, Items 18 and 19, were recovered from the OIS scene on Savannah Street. A 9mm pistol, Item No. 11, was recovered from 307 North Savannah Street. There was a total of 77 items of evidence booked in conjunction with this investigation (Addendum No. 8).

On June 19, 2020, FSD FAU Criminalist II Jennifer Dorrel, Serial No. N5003, completed her analysis of the expended cartridge casings, Items 1 through 10, and concluding that they were fired in the 9mm pistol, Item No. 11 (Addendum No. 9).

Detective II Frank Alvelais, Serial No. 30865, assigned to FID completed a gunshot residue (GSR) kit on Orduno. On June 2, 2020, FSD FAU Criminalist II Stacy Vanderschaaf, Serial No. N4220, concluded her analysis of the GSR kit, concluding that GSR was not detected (Addendum No. 10).

## Weapons



**Santos Orduno** was armed with a blue-steel 9 mm Springfield XD-9 semiautomatic pistol. The pistol had a barrel length of 3 inches. The pistol was located during an article search conducted by Metropolitan Division uniformed Police Officer III Alan Ramirez, Serial. No. 33872, K9-11, and his police dog Lyka. The pistol was found in the rear yard of 307 Savannah Street, lying on the ground, behind a folded table leaning against the rear

fence.

The pistol was in a slide lock position with no live rounds in the pistol's chamber or magazine. The capacity of the pistol when fully loaded was fourteen, with one cartridge in the chamber and thirteen in the magazine (Addendum No. 11).



Rear yard, 307 Savannah Street

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Tracing Center conducted a firearms trace on the above pistol. The summary of results determined that the pistol was purchased on July 18, 2019. Further investigation determined the weapon was registered in Henderson, Nevada, a letter was sent to the owner, with no response to date. (Addendum No. 12).<sup>9</sup>

<sup>9</sup> Detective II Robert McCarty, Serial No. 31125, assigned to FID, contacted Henderson Police Department, they were not able to respond to the residence.

**Officer Urbina** was armed with his Department-authorized .45 caliber Springfield, model TRP semiautomatic pistol. The pistol was carried in a Department approved single top thumb strap pistol. According to Urbina, at the time of the OIS, the pistol was loaded to capacity with nine rounds of Federal Premium .45 auto 230 grain HST ammunition. Eight rounds were in the magazine and one round was in the chamber of the pistol.

On April 16, 2020, at approximately 0550 hours, FID Detective III Eduardo Gonzales, Serial No. 34548, conducted a post-incident examination of Officer Urbina's pistol. He determined the firearm was loaded with one round in the chamber and six rounds in the magazine. Detective Gonzales inspected the two magazines that Urbina carried in his magazine pouch. The additional magazines were loaded to capacity with Department-approved ammunition. The two expended cartridge cases collected at the OIS scene were later determined to have been fired from Urbina's pistol. This information was consistent with Urbina having fired a total of two rounds during the OIS.

**Officer Redshaw** was armed with his Department-authorized 9mm Glock, model 17 Gen-4 semiautomatic pistol. The pistol was carried in a Department approved Safariland holster equipped with a single thumb strap. According to Redshaw, at the time of the OIS, the pistol was loaded to capacity with eighteen rounds of Winchester 9mm Luger ammunition. Seventeen rounds were in the magazine and one round was in the chamber of the pistol.

On April 16, 2020, at approximately 0605 hours, Detective Gonzales, conducted a post-incident examination of Officer Redshaw's pistol. He determined the firearm was loaded with one round in the chamber and fifteen rounds in the magazine. Detective Gonzales inspected the two magazines that Redshaw carried in his magazine pouch. The additional magazines were loaded to capacity with Department-approved ammunition. The expended cartridge case collected at the OIS scene was later determined to have been fired from Redshaw's pistol. This information showed that Officer Redshaw's pistol was not loaded to capacity at the time of the OIS (Investigators' Note No. 3).

On May 15, 2020, Criminalist II Matthew Saucedo, Serial No. N4688, assigned to FSD FAU completed a report documenting the test firing of Officers Urbina and Officer Redshaw's pistols. The pistols were found to be functional and the trigger pull values for the pistols were within the Department's established range (Addenda Nos. 13 and 14).

Detective Gahry verified that Officer Urbina's .45 caliber Springfield was entered onto his Firearm Inventory Tracking System on March 21, 2019.

Detective Gahry verified that Officer Redshaw's 9mm Glock was entered onto his Firearm Inventory Tracking System on December 27, 2016.

## **Firearms Analysis**

Criminalist from FSD FAU identified three impacts with two corresponding pathways. The pathways were consistent with projectiles traveling north to south and east to west (Addendum No. 15).

Criminalist Shirasaki swabbed Orduno's pistol, magazine and black gloves for Deoxyribonucleic acid (DNA) collection. On July 15, 2020, Criminalist II Kari Mar, Serial No. N4622, concluded that due to the complexity of the data, the DNA results are unsuitable for interpretation (Addendum No. 16).

## **Visual Documentation**

### **Digital In-Car Video System (DICVS)**

The involved officer's vehicle was not equipped with a DICVS. Many of the responding patrol units were equipped with DICVS; however, these units arrived after the OIS and did not capture any relevant footage.

### **Body Worn Video (BWV)**

The investigation determined that responding Hollenbeck and Metropolitan Division officers arrived after the OIS and had activated their BWV. Any relevant video was identified in the summary of this report.

### **Social Media**

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

### **Other Department Video**

There was no other Department video identified.

### **Outside Video**

On April 16, 2020, FID investigators canvassed the area of Savannah Street and Cesar E. Chavez Avenue. The investigators located surveillance video from 2817 East Cesar E. Chavez Avenue, 2837 Michigan Avenue, 310 N. Savannah Street, and 207 N. Savannah Street. The videos were downloaded and stored under the following Control Nos. 0753544, 0753545 and 0753546. The DVR from 310 N. Savannah Street, which possibly captured the suspects fleeing, was not able to be accessed; the DVR was recovered by Central Bureau Homicide Detectives for court purposes.



## **Photographs**

Photographs of the OIS and associated evidence, including the homicide scene are stored under Control Nos. 0797440, 0797316, 0797314 and 0797329.

## **Notifications**

At approximately 2335 hours, Department Operation Center (DOC) was notified of the Categorical Use of Force and the details of the subsequent notifications are attached (Addendum No. 2).

## **Personnel at Scene**

Force Investigation Division Detective III Luis Alarcon, Serial No. 30383, arrived on scene at approximately 0110 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

## **Communications**

Copies of Communications Division printouts relative to this incident, Incident Nos. 200415000006384, 200415000006410, 200415000006375, 200415000006376, 200415000006377, 200415000006393, 200415000006505 and 200415000004774 are on file at FID. A digital recording of Metropolitan and Hollenbeck Area Base Frequency at the time of this incident is contained in FSD Control No. 20-008715 and a copy is also stored at FID. The digitally recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database.

## **Justice System Integrity Division**

This case did not meet the criteria for presentation to the Justice System Integrity Division (JSID).

## **Investigators' Notes**

1. Central Bureau Homicide Detective II Sergio Martinez, Serial No. 31580, and Detective I Alejandro Fera, Serial No. 38822, responded to 2822 Cesar E. Chavez Avenue to conduct the homicide investigation. The murder victim was identified as Jesus Martinez, a male Hispanic, 45 years of age and a senior member of the Michigan Criminal Force (MCF) criminal street gang. The victim of the attempted murder was identified as Leopoldo Monarrez, a male Hispanic, 49 years of age and also a senior member of the MCF criminal street gang.

During their investigation, they located a victim of a hot-prowl residential burglary at 2811 East 1<sup>st</sup> Street, which was within the perimeter established by Officers



Redshaw and Urbina. Orduno had entered the residence through an unsecured window, took clothing, a wallet containing a Guatemalan identification card as well as other belongings. Orduno left the clothing he had been wearing inside the residence.

Video Surveillance from the residents detailed portions of Orduno's flight from Officers Urbina and Redshaw.

Santos Orduno, a male Hispanic, 20 years of age and a newer member of the So What Crew (SWC) clique of "Primera Flats" criminal street gang, was identified as the suspect in the murder of Martinez and Attempted Murder of Monarrez. Additional suspects had not been identified.

The investigation determined that the murder was gang related as MCF and Primera Flats criminal street gangs have a historic and violent feud that is multi-generational.

On April 20, 2020, Detectives Martinez and Feria met with Deputy District Attorney (DDA) Michael Enomoto and presented the case for filing consideration. After review, DDA Enomoto filed the following California Penal Codes (PC) against Orduno:

One count of 187(a) PC Murder.

One count of 664/187(a) PC Attempted Murder.

Two counts of 245 (d)(2) PC Assault with a semiautomatic firearm upon an officer.

One count of 459 PC Residential Burglary with a person present.

2. Metropolitan Division K9 units responded to the scene to conduct a search for the suspects. The following officers, Police Officer III Steven Jenkins, Serial No. 26806, unit K9-3, Police Officers III Maricela Corral, Serial No. 40625, unit K9-19, Thomas Call, Serial No. 27480, unit K9-7, Salvador Torres, Serial No. 37671, unit R167, David Ramirez, Serial No. 39363, unit R41, and Police Officer III Steven Wills, Serial No. 33368 were involved in the search of the perimeter. These officers were not significantly involved in this incident; therefore, they were not formally interviewed.
3. During the post-incident examination of Officer Redshaw's pistol. It was determined that his firearm had not been loaded to full capacity prior to the OIS.

## **CHIEF OF POLICE REPORT<sup>10</sup>**

### **Chief of Police Findings**

**Tactics** – Tactical Debrief, Officers Urbina and Redshaw.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Urbina and Redshaw.

**Lethal Use of Force** – In Policy, No Further Action, Officers Urbina and Redshaw.

### **Chief of Police Analysis**

#### **Detention**

- Officers Urbina and Redshaw, while driving in their police vehicle, heard what they believed to be gunshots near the intersection of Savannah Street and Cesar E. Chavez Avenue. Upon approaching the intersection, they observed two people lying on the ground. Officers Urbina and Redshaw observed Orduno and a second unidentified male running east in Officers Urbina and Redshaw's direction. Officers Urbina and Redshaw observed that Orduno was holding a handgun in his hand. According to Officers Urbina and Redshaw, Orduno then raised and pointed his handgun in the direction of Officers Urbina and Redshaw resulting in an OIS. Orduno and the unidentified male fled eastbound on the south sidewalk and out of sight of Officers Urbina and Redshaw. After a containment perimeter was established, Orduno was located by Metro K-9 officers and taken into custody. The detention of Orduno was appropriate and within Department policies and procedures.

#### **Tactics**

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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<sup>10</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

## Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### *Tactical De-Escalation Techniques*

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Prior to the date of this incident, Officers Urbina and Redshaw were assigned partners who had been working together for approximately two months. Prior to their partnership, Officers Urbina and Redshaw were assigned to the same platoon within Metropolitan Division for approximately three years. Officers Urbina and Redshaw discussed tactical concepts over the course of their partnership. Officer Redshaw stated those discussions included the “four C’s of tactics” which are “control, containment, communication, and coordination.”

Additionally, Officer Urbina and Redshaw discussed tactics as it related to the immediate defense of their lives and another tactical concept known as BALKS, which Officer Redshaw stated was an acronym for “background, age, last resort, knowledge, and seriousness of the crime.” On the date of this incident, Officers Urbina and Redshaw had discussed the importance of ensuring their BWV devices were always powered. The UOFRB noted that unbeknownst to Officers Urbina and Redshaw, they had unexpectedly arrived at the scene during the commission of a homicide in which Orduno was involved. This sudden encounter limited the opportunity for Officers Urbina and Redshaw to pre-plan their response to this specific incident. However, when Orduno ran towards Officers Urbina and Redshaw while pointing a handgun at them as described by Officers Urbina and Redshaw, Officers Urbina and Redshaw worked cohesively. Officer Redshaw described how he understood his role in the incident as one of cover and that he needed to tactically secure the scene as his partner, Officer Urbina, addressed the threat that Orduno posed to them both.

The UOFRB noted Officers Urbina and Redshaw articulated the numerous tactical conversations which took place during their two month partnership as well as their

three year assignment to the same platoon in which they trained together. Officer Urbina stated that only “seconds, milliseconds” had gone by from the time they heard the gunfire to the time Orduno ran in their direction while pointing a handgun at Officers Urbina and Redshaw. However, the UOFRB noted Officer Redshaw was able to develop a plan based on previous training with Officer Urbina, wherein he became the cover officer, clearing the nearby area of other possible suspects and gaining a better position, as Officer Urbina addressed the threat created by Orduno and discharged his service pistol to protect himself and Officer Redshaw. The UOFRB opined Officers Urbina and Redshaw, given little time to plan, utilized previous training and experience to address the threat in a manner which minimized the risk to themselves and utilized the limited time they had.

**Assessment** – While Officers Urbina and Redshaw were approaching the intersection of Cesar E. Chavez Avenue and Savannah Street, they heard the sound of possible gunfire. Officers Urbina and Redshaw assessed the source of the gunfire to determine its location. As Officers Urbina and Redshaw approached and stopped at the intersection, they looked west. Officers Urbina and Redshaw observed two men running in their direction. Officers Urbina and Redshaw also observed, just beyond the two men running, two bodies lying on the ground. This continual assessment, along with their knowledge of the area as it pertained to high crime and gang activity, allowed Officers Urbina and Redshaw to conclude that a possible gang shooting had occurred.

Officer Urbina assessed his positioning within his police vehicle and determined he was in a disadvantageous position from which he could not move. Officer Urbina stated he would have walked directly into the path of Orduno were Officer Urbina to exit his police vehicle to obtain a position of advantage. Officer Urbina maintained his position in the driver seat to engage Orduno.

Officer Redshaw exited the front passenger seat of his police vehicle to acquire a position of cover. Officer Redshaw assessed his options and utilized the cover of a vehicle parked along the east side of Savannah Street, parallel and to east of his police vehicle. Officer Redshaw crossed the front bumper of the parked vehicle and walked towards the east side of the vehicle in order to obtain a better visual of Orduno and the unidentified male with him. However, Officer Redshaw continued to assess and observed a male seated in the driver seat of the parked vehicle. The male fled the scene in the vehicle once Officer Redshaw walked past the vehicle. Officer Redshaw again assessed and determined he needed to re-gain a position of cover and walked towards his police vehicle where he was able to address the threat created by Orduno.

The UOFRB noted Officers Urbina and Redshaw heard gunfire and quickly realized they were being faced with an armed suspect running in their direction. The UOFRB noted Officers Urbina and Redshaw had little time to assess, but were still able to assess their positions, available cover, victims on the ground, the suspects’ actions, and from that, determined that a possible gang shooting had just occurred. The

UOFRB also noted Officers Urbina and Redshaw's assessments during and after they discharged their service pistols. Officer Urbina discharged two rounds and assessed that Orduno and the unidentified male had continued running and were out of Officer Urbina's sight. Officer Redshaw discharged one round and assessed. Officer Redshaw articulated his observations and stated Orduno and the unidentified male were both out of his sight.

Once the K-9 search team located Orduno, Officers Wills and D. Ramirez conducted assessments of the tactical incident. Orduno's position, movements, and actions were assessed. The K-9 search team coordinated with each other and took Orduno into custody without incident.

**Time** – Officer Urbina stated “seconds, milliseconds” had passed from the time he heard gunshots to the time Orduno was pointing a handgun in his direction. Officer Redshaw observed Orduno running toward him, while holding a handgun, shortly after Officer Redshaw had observed people lying on the ground. Officer Redshaw's attempt to gain distance between himself and Orduno provided him with additional time to assess the situation.

The UOFRB noted Officers Urbina and Redshaw's time to react to the incident was limited due to Orduno actions as he ran towards the officers while armed with a handgun, as described by Officers Urbina and Redshaw. However, the UOFRB noted Officers Urbina and Redshaw utilized the limited time they had in order to address the threat posed by Orduno in an effective and controlled manner.

**Redeployment and/or Containment** – Officers Urbina and Redshaw both attempted to redeploy to improve their cover. However, each was met with obstacles. Officer Urbina could not safely redeploy without placing himself in Orduno's path. Officer Redshaw attempted to acquire cover, but after he began to utilize another vehicle as cover, the vehicle drove away. After Officers Urbina and Redshaw addressed the threat, which Orduno presented, they each began setting up a perimeter in order to direct responding units to points of containment.

The UOFRB noted Officer Urbina's articulation for being unable to redeploy to a better tactical position. Had Officer Urbina exited his vehicle, he possibly would have stepped into Orduno's path. Officer Urbina would have been closing the distance between himself and Orduno, giving him less time to react. The UOFRB noted this would not have been an optimal way to utilize redeployment and acknowledged Officer Urbina's thorough assessment of his options for redeployment. The UOFRB noted that Officer Redshaw described his redeployment as he exited his police vehicle to seek cover from a parked vehicle. The UOFRB acknowledged Officer Redshaw also created distance by redeploying and therefore provided himself more time to react.

The UOFRB also noted that Officers Urbina and Redshaw were attempting to utilize the tactic of containment during this incident. The UOFRB discussed Officers Urbina

and Redshaw's restraint in not initiating a foot pursuit. The UOFRB noted that because of their restraint, they were able to provide aid to both victims who had just been shot and requested a rescue ambulance for them both.

A containment perimeter was established. Once Orduno was located by the K-9 search team, the search team redeployed to establish a position of tactical advantage on Orduno. The K-9 search team took Orduno into custody after redeploying their positions.

**Other Resources** – Immediately after the OIS occurred, Officer Redshaw holstered his service pistol and retrieved his handheld radio. Officer Redshaw began broadcasting to CD and requested additional resources to respond to the location. Officer Redshaw requested a supervisor, as well as officers to begin setting up a perimeter. Officer Urbina began advising responding officers that the two people down on the ground were victims and requested rescue ambulances for the victims.

The UOFRB noted Officers Urbina and Redshaw did not have the opportunity to request resources before the OIS, but did request resources when practicable. Officers Urbina and Redshaw requested additional units to respond as well as supervisors and a rescue ambulance for both victims. After a perimeter was established, personnel from the K-9 unit located Orduno and took him into custody.

**Lines of Communication** – During their time training and working together, Officers Urbina and Redshaw had extensive conversations about past tactical scenarios. Due to this incident rapidly unfolding, Officers Urbina and Redshaw relied on their previous training and assumed their respective roles of contact and cover. After the OIS, Officers Urbina and Redshaw established communications with CD and responding officers. Officers Urbina and Redshaw notified responding officers that the people lying on the ground were victims of a shooting and not the suspects. Officers Urbina and Redshaw also ensured the responding supervisors were briefed on the incident and communicated their involvement in the OIS. The UOFRB noted that while communication is paramount, tactics and scene safety were also a high priority in this incident. The UOFRB noted that as soon as practicable, both officers immediately began communicating with each other and to CD immediately after the OIS.

The UOFRB also noted Officers Urbina and Redshaw adhered to current practice with regard to radio communication by broadcasting on Metropolitan frequency to avoid overloading Hollenbeck base frequency. However, doing so caused a delay in the response of Hollenbeck patrol units since information regarding the incident was relayed by CD between the two frequencies.

## Debriefing Points

- During the review of the incident, the following Debriefing Topics were noted:

- **Code Six**

*When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.*

*Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:*

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

**Note:** *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in the case being reviewed, their actions can be unpredictable.

In this case, Officers Redshaw and Urbina were patrolling in the area of Savannah Street and Cesar E. Chavez Avenue. Both Officers Urbina and Redshaw heard the sounds of what they believed to be gunshots coming from an unknown location. The officers were unsure of the exact location of the gunshots. According to Officers Urbina and Redshaw, as they came to a stop just south of Cesar E. Chavez Avenue on Savannah Street, they observed Orduno running in their direction as he pointed a handgun at them. This incident rapidly escalated as Orduno closed the distance and continued to point his handgun in their direction. Officers Urbina and Redshaw discharged their service pistols to protect themselves from the imminent threat of serious bodily injury or death, but after firing, lost sight of Orduno. After the OIS occurred, Officer Redshaw holstered his service pistol and broadcast his and Officer Urbina's Code Six location.

The UOFRB noted Officers Urbina and Redshaw's actions leading up to the incident. Officers Urbina and Redshaw were conducting crime suppression when they heard gunfire. Officers Urbina and Redshaw, in their attempt to locate the source of the gunfire, looked west and observed victims on the ground and Orduno, as well as an

unidentified male, running in Officers Urbina and Redshaw's direction. Orduno was holding a handgun and began to point it at Officers Urbina and Redshaw. The UOFRB noted Orduno's violent and aggressive actions toward Officers Urbina and Redshaw which caused them to fear for their lives. Both Officers Urbina and Redshaw then acted in response to Orduno which resulted in an OIS. The UOFRB noted that this incident rapidly and dynamically escalated for Officers Urbina and Redshaw. The UOFRB determined that as soon as it was practicable, they immediately made their location known by broadcasting it to CD.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Urbina and Redshaw's actions were not a deviation from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Utilization of Cover**

*"Cover" is a term often associated with combat tactics. Under such conditions, cover refers to anything that may stop or deflect an opponent's weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.) (California Commission on Peace Officers Standards and Training, Learning Domain 21).*

*There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).*

Officer Redshaw exited his police vehicle, which was not equipped with ballistic panels, and sought cover from a nearby parked vehicle, on the east curb of Savannah Street south of Cesar E. Chavez Avenue. Unbeknownst to Officer Redshaw, the vehicle contained a driver who quickly sped off after Officer Redshaw had redeployed to the east, passenger side of the vehicle.

The UOFRB considered the circumstances and actions of Officer Redshaw. A Subject Matter Expert (SME) from the Tactics Training Unit was present at the UOFRB. The SME stated Department training is that cover could come in multiple forms, including parked vehicles, which could allow officers more distance and therefore more time to assess the incident. The UOFRB noted that this incident was dynamic and rapidly escalated for both involved officers. The UOFRB also noted it was unforeseeable that the driver of the parked vehicle was going to drive away.



The UOFRB noted that Officer Redshaw's attempt to gain better cover could have possibly left him in the street without the benefit of cover once the vehicle drove away. However, Officer Redshaw quickly remedied the problem by seeking cover in the area near the rear quarter panel of his police vehicle. The SME noted that there were several parked vehicles in the street which were between Officer Redshaw and Orduno which could have afforded Officer Redshaw cover.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Redshaw's actions were not a deviation from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Situational Awareness**

*No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills. Officers must function as trained observers. Officers on patrol are expected to practice disciplined observation and apply their training and experience to accurately perceive what is occurring or is about to occur.*

*To an officer, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world. Observation can be enhanced by training (knowing what to look for), experience (knowing where and when to look for it), a variety of special tools (e.g., binoculars, night vision scopes, etc.) (California Commission on Peace Officer Standards and Training, Revised July 2005, Workbook Correction April 2012, Learning Domain No. 21).*

Upon observing Orduno and the unidentified male running towards Officers Urbina and Redshaw, Officer Redshaw articulated that his subsequent reaction was to redeploy from his police vehicle to a position of cover prior to drawing his service pistol. Officer Redshaw exited the police vehicle and stepped out adjacent to a vehicle parked facing north along the east curb and immediately identified an unknown male seated in the driver's seat. According to a review of video surveillance conducted by FID investigators, Officer Redshaw moved north towards the front bumper and across the front of that vehicle to the sidewalk. The vehicle then immediately drove out of sight east on Cesar E. Chavez Avenue. According to Officer Redshaw, he redeployed to the right rear corner of his police vehicle, drew his service pistol, and became involved in an OIS.

**Note:** The FID investigation determined that Officer Redshaw was further south of the rear corner panel of his police vehicle. The analysis conducted by FID investigators could not identify Officer Redshaw's exact position as being in the street or on the east sidewalk at the time he discharged his service pistol at Orduno.

The UOFRB considered Officer Redshaw's decision to complete his redeployment to cover prior to drawing his service pistol. The UOFRB reviewed video evidence and Officer Redshaw's transcripts. Investigators from FID presented at the UOFRB that Officer Redshaw's movements from exiting his police vehicle to moving to cover were rapid. Based on the totality of the evidence, FID investigators opined that Officer Redshaw's movements were completed in a few seconds. The UOFRB also considered the rapid escalation of the incident and the few seconds of time afforded to Officer Redshaw to obtain full situational awareness of the incident. The UOFRB determined that due to the totality of the investigation, Officer Redshaw's decision to redeploy and then draw his service pistol did not cause an unreasonable delay in his drawing of his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Redshaw's actions were not a deviation from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **Coordination of a Tactical Incident Involving Multiple Divisions** – Officers Urbina and Redshaw each broadcast a help call, shots fired, and a requested a rescue ambulance over Metropolitan frequency. Officers Urbina and Redshaw continued broadcasting on Metropolitan frequency for the remainder of their broadcasts throughout the incident. Since the broadcasts were conducted on Metropolitan frequency, Hollenbeck officers, who were on Hollenbeck base frequency, were unable to hear the information. Hollenbeck officers were temporarily unable to determine the location of the OIS and continued to request additional information over Hollenbeck base frequency. Officers are reminded to consider establishing a liaison officer or establishing a shared tactical frequency to allow for simultaneous communications with personnel assigned to different frequencies. In order to enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

**Note:** The UOFRB considered the current capabilities of Communications Division equipment and procedures, including simulcasting broadcasts on multiple frequencies and discussed the need to develop a standardized procedure relative to the use of tactical frequencies amongst personnel assigned to different frequencies.

### **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously*

*assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained enough situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).*

Officer Redshaw was the senior officer of the primary unit. Officer Redshaw, after broadcasting the help call and requesting units to respond, declared himself as the Incident Commander (IC) until supervisors arrived at scene. Officers Redshaw and Urbina directed units to the victims' location and began setting up a perimeter after Orduno fled on foot to an unknown location. Officer Redshaw continued to broadcast pertinent information and provided CD with suspect descriptions, their last known locations, and additional information. As Officer Redshaw was broadcasting to CD, Officer Urbina advised units at scene of the victims' locations and the suspect's last known locations.

Officer Willis was the primary communications officer and, after Orduno was located as being on the roof of a residence, verbalized with Orduno for approximately 15 minutes. Officer Willis, who had been briefed on Orduno's attempted murder of two officers and possible involvement in a homicide just prior, successfully de-escalated the situation leading to Orduno's surrender.

Officer D. Ramirez assisted Orduno in stepping down from the roof and onto the ground where Officer Willis took Orduno into custody without incident.

The UOFRB noted that Officers Urbina and Redshaw's thorough oversight of the scene even after having to defend their lives just moments prior, was exemplary of the Department's expectations. Additionally, the UOFRB noted Officers Willis and D. Ramirez' utilization of restraint given their knowledge of Orduno's actions. The actions of Officers Urbina, Redshaw, Willis, and Ramirez were consistent with Department training and the Chief's expectations of a senior officer during critical incident.

Sergeant Gregozek responded to the incident and identified Officers Urbina and Redshaw as the officers involved in the OIS. Sergeant Gregozek advised the officers that they would be separated and a PSS would be taken once additional supervisors arrived at scene. Sergeant Gregozek received a briefing from Officers Redshaw and Urbina on the incident. While Officer Redshaw was broadcasting perimeter boundaries, Sergeant Gregozek advised Sergeant Phillips to monitor Officer Redshaw while Sergeant Gregozek took Officer Urbina to obtain his PSS. Prior to walking away with Officer Urbina, Sergeant Gregozek ordered Officer Redshaw to pick up his BWV, which Officer Redshaw had located on the ground. Sergeant Gregozek was advised to respond to the CP and took Officer Urbina with him, ensuring he was separated and monitored.

Sergeant Phillips arrived and approached the area of the victims. Sergeant Phillips ensured that a rescue ambulance was responding. Sergeant Phillips walked to Sergeant Gregozek and received a briefing from him. Sergeant Phillips was assigned by Sergeant Gregozek to monitor Officer Redshaw and obtain his PSS. Sergeant Phillips walked Officer Redshaw away to an isolated location, away from nearby officers, and obtained Officer Redshaw's PSS.

Sergeant Vasquez responded to the OIS location and was briefed on the incident and ensured Officers Urbina and Redshaw had been separated and monitored. Sergeant Vasquez began managing his resources and determined he would add a crime scene, separate from the OIS incident. Sergeant Vasquez began establishing a new command post location, further from the OIS location, and did so in coordination with ASD. Sergeant Vasquez began assigning roles to supervisors at scene. Sergeant Vasquez assigned officers to search the area for additional victims and additional evidence.

The UOFRB noted both Sergeants Gregozek and Phillips assumed their roles as supervisor. However, the UOFRB noted Sergeant Gregozek assumed the role of IC immediately as he began coordinating various aspects of the scene. The UOFRB recognized that both Sergeants Gregozek and Phillips remained actively engaged in managing this critical incident. The supervisors ensured that all duties were completed and worked together effectively with each other.

However, the UOFRB noted Sergeant Gregozek did not declare himself as IC upon his arrival. The UOFRB considered the circumstances of this incident and noted how that lack of a declared IC could cause confusion and cause personnel to seek

approval for their tactical engagements from the wrong source. Therefore, the UOFRB noted the importance of sergeants broadcasting their designation as IC as soon as sufficient situational awareness was gained. The UOFRB would have preferred Sergeant Gregozek declare himself as the IC to ensure clear communication was present throughout the incident. The UOFRB also noted Sergeant Gregozek unknowingly allowed Officer Urbina to continue recording with his BWV device during Officer Urbina's PSS.

The UOFRB noted Sergeant Vasquez arrived approximately eleven minutes after the OIS occurred and took over the role as the IC. However, Sergeant Vasquez did not declare himself as the IC until approximately thirty-eight minutes after his arrival. The UOFRB noted that while Sergeant Vasquez promptly assumed IC duties upon his arrival, a declaration of him taking on the role as IC would have aided in a smoother transition for communication purposes and for the benefit of other officers and supervisors at scene. Additionally, the UOFRB noted Sergeant Vasquez should have, upon his arrival and once sufficient situational awareness had been gained, identified the previous IC and ensure a supervisor had already announced themselves as IC.

The actions of Sergeant Phillips were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

The actions of Sergeants Gregozek and Vasquez were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Lieutenant Barkley arrived at the Command Post and declared himself as the IC. Lieutenant Barkley ensured Officers Urbina and Redshaw had been separated and monitored.

The actions of Lieutenant Barkley were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Captain Stabile arrived at scene and declared himself as the IC for the crime scene. Captain Stabile provided oversight to the officers assigned to the perimeter and crime scene.

Commander Leslie arrived at scene and declared himself as the IC for the OIS and K-9 search. Commander Leslie provided oversight to the K-9 search team who ultimately took Orduno into custody without incident.

The actions of Captain Stabile and Commander Leslie were consistent with Department supervisory training and the Chief's expectations of supervisors during a critical incident.

## Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Urbina and Redshaw did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Sergeants Vasquez, Gregozek, and Phillips would not receive formal findings, the UOFRB determined, and the Chief concurred, that Sergeants Vasquez, Gregozek, and Phillips would benefit from attending the Tactical Debrief to discuss this incident in its entirety and to enhance future performance.

Therefore, the Chief directed that Sergeants Vasquez, Gregozek, and Phillips and Officers Urbina and Redshaw to attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

## General Training Update (GTU)

- On April 23, 2020, Officers Urbina and Redshaw attended the General Training Update (GTU). All mandatory topics were covered.

## Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*
- According to Officer Urbina, while driving north on Savannah Street approaching Cesar E. Chavez Avenue, he heard multiple “gunshots.” Upon approaching the

intersection, Officer Urbina looked around and, while looking in a westerly direction, observed Orduno and an unidentified male running towards Officer Urbina, in an easterly direction. Officer Urbina observed Orduno holding a handgun in his left hand. Officer Urbina also observed two other men lying on the ground, west of the intersection on the south sidewalk, and believed they were the victims of a “gang related shooting.” Based on the “totality of the circumstances,” Officer Urbina believed that “the situation could potentially escalate where the use of deadly force could be justified.” Officer Urbina placed his police vehicle into park and drew his service pistol. Officer Urbana utilized a two hand grip and placed his finger along the frame.

Officer Urbina recalled, *“We were driving northbound on Savannah approaching the intersection to Cesar Chavez when we - - when I heard multiple, what appeared to be gunshots. As I got to the intersection, we - - I began to look around. And when I looked to as I’m facing northbound and I looked to my left, which would be in a west direction, I observed two individuals running.... Based on me observing two individuals lying down and me hearing the gunshots, seeing two individuals running towards me, I put my vehicle in park and I, at that moment, I unholster my weapon due to the totality of the circumstances. The two individuals continue running eastbound.”*<sup>11</sup>

*“But I believed it could have been his left hand.”*<sup>12</sup>

*“I observed two other guys on the floor. So I knew that two people at the time, possibly more, have been shot.”*<sup>13</sup>

*“The one - - the one, one of them, it’s kind of lying down on the sidewalk. The other one is lying facing up. His feet area, it’s on the sidewalk, and like his upper body is, I believe it was a driveway.”*<sup>14</sup>

*“A gang related shooting... They’re victims, obviously...have been shot.”*<sup>15</sup>

*“So as I’m sitting down, I put the vehicle in park, reached for my weapon, unsnapped it, pulled it out, and then went across towards the window.”*<sup>16</sup>

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<sup>11</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 6, Lines 19-25 and Page 7, Lines 3-8.

<sup>12</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 12, Lines 7-10

<sup>13</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 14, Lines 12-18.

<sup>14</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 28, Lines 18-22.

<sup>15</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 29, Lines 14-15 and 22-24.

<sup>16</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 10, Lines 13-15.

*“So as I gripped, yes, two-hand grip.”<sup>17</sup>*

*“That’s why I unholstered because, you know, the situation could potentially escalate where the use of deadly force could be justified.”<sup>18</sup>*

The UOFRB conducted a thorough evaluation of the reasonableness of Officer Urbina’s Drawing/Exhibiting of his service pistol. The UOFRB considered that Officer Urbina was driving northbound when he heard gunshots emanating from an unknown location. Upon looking west on Cesar E. Chavez Avenue, Officer Urbina observed two individuals lying on the ground while Orduno was running in Officer Urbina’s direction. Officer Urbina believed a gang shooting may have taken place. Officer Urbina observed Orduno pointing a handgun at Officer Urbina. Officer Urbina, believing the “situation could potentially escalate where the use of deadly force could be justified,” drew his service pistol. The UOFRB noted the totality of Officer Urbina’s observations and situational awareness prior to his making the decision to draw his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Urbina, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Urbina’s Drawing/Exhibiting to be In-Policy, No Further Action.

- According to Officer Redshaw, as Officer Urbina drove to the intersection, Officer Redshaw suddenly heard shots being fired west of him. Officer Redshaw leaned forward and believed he was in the “middle of a possible shooting in progress.” Officer Redshaw observed that there were “people kind of down” on the ground and observed two persons “running towards” him, in an easterly direction. Officer Redshaw observed Orduno holding an object. Officer Redshaw looked at the object and observed the “outline of a handgun.” Orduno’s arms were moving up and down in a running motion. Officer Redshaw observed the handgun coming up and being pointed in Officer Redshaw’s direction. Officer Redshaw exited his police vehicle and, believing he needed to immediately defend his life, drew his service pistol. Officer Redshaw held his service pistol in a two hand grip.

Officer Redshaw recalled, *“Once traveling northbound on Savannah, we got to, like, a crest. Coming up to that crest, you can see there’s a stop sign that’s located on the - - it would be the southeast corner, and everything seemed pretty normal at that point. We continued. My partner slowed down the vehicle... suddenly there was*

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<sup>17</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 11, Lines 7-8.

<sup>18</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 31, Lines 2-4.



*clear shots that were very unique that was happening to my left, which would be westbound.... It was a weapon that was very close by. There was rounds going, and my partner was moving the car up slowly as this was happening. At this point I'm able to lean forward. In leaning forward, I'm able to clearly kind of assess where these rounds are coming from.... I believe we were in the middle of a possible shooting in progress."*<sup>19</sup>

*"And when I say that is that I'm able to lean and look westbound. I know where the shots are coming from. I know what's going to be just around the corner as we're coming up, so I know what's there."*<sup>20</sup>

*"I could see people kind of down.... I could see bodies kind of moving towards me."*<sup>21</sup>

*"Looking west, I can see two figures now - - now running towards - - towards my area, I would say, or my - - my direction, in the sense that they're coming southbound now."*<sup>22</sup>

*"So it's a - - a very quick look. It's dark. It's - - I could just see, basically, the clothing. And then as I mentioned, that outline of a handgun, the arm moving, that firearm coming up, and then immediate defense of my life based on everything we talked about: the shooting, the violence that had taken place, the seriousness of the crime, the fact that that vehicle that had left could possibly have been the vehicle they were running to."*<sup>23</sup>

*"You know, as - - as the event was unfolding trying to absorb everything that was having - - happening, obviously, I had a deadly threat to deal with."*<sup>24</sup>

*"It - - it has a safety button. I removed the - - switched it with my thumb, removed the firearm, and pointed it at the direction.... I - - I believe I was attempting to get to the two-handed grip."*<sup>25</sup>

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<sup>19</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 6, Lines 20-25, Page 7, Lines 10-12 and Lines 20-25; and Page 8, Lines 5-6.

<sup>20</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 18, Lines 17-20.

<sup>21</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 19, Line 17 and Page 20, Lines 17-18.

<sup>22</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 24, Lines 8-9 and Lines 11-13.

<sup>23</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 27, Lines 15-23.

<sup>24</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 31, Lines 9-12.

<sup>25</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 32, Lines 4-6 and Lines 8-9.

*"So I don't recall exact location I unholstered my weapon."*<sup>26</sup>

*"To my best recollection, I believe it was when I was in the street.... In that general vicinity."*<sup>27</sup>

The UOFRB also conducted a thorough evaluation of the reasonableness of Officer Redshaw's Drawing/Exhibiting of his service pistol. The UOFRB considered that Officer Redshaw was traveling northbound on Savannah Street, approaching Cesar E. Chavez Avenue, when he heard gunshots emanating from an unknown location. Officer Redshaw leaned forward and looked west on Cesar E. Chavez Avenue. Officer Redshaw observed what appeared to be bodies lying on the ground while Orduno was running in Officer Redshaw's direction. Officer Redshaw, while still seated in his police vehicle, observed the outline of a handgun then quickly observed Orduno pointing the handgun in Officer Redshaw's direction. Officer Redshaw, believing he needed to immediately defend his life, drew his service pistol. Officer Redshaw drew his service pistol in response to Orduno's actions. The UOFRB noted the totality of Officer Redshaw's observations and situational awareness prior to his making the decision to draw his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Redshaw, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Redshaw's Drawing/Exhibiting to be In-Policy, No Further Action.

## **Policy on the Use of Force**

### **Use of De-Escalation Techniques**<sup>28</sup>

- *It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

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<sup>26</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 45, Lines 6-7.

<sup>27</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 31, Lines 14-5 and Line 17.

<sup>28</sup> Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

## **Factors Used to Determine Objective Reasonableness<sup>29</sup>**

- *The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.*

*In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

## **Use of Force – Deadly<sup>30</sup>**

- *It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only:*
  - *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
  - *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn*

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

*that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

*In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.*

**Note:** *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

### **The Department's Evaluation of Deadly Force<sup>31</sup>**

- *The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.*

**Background:** According to the FID investigation, the OIS occurred on North Savannah Street south of the southern edge of Cesar E. Chavez Avenue. Savannah Street was a north/south roadway with a single lane of traffic in each direction and street parking along the west and east curbs. Savannah Street measured approximately 26 feet in width, with approximate 14 feet wide concrete sidewalks, lining the street. The neighborhood consisted of both commercial and residential properties. Officers Redshaw and Urbina's police vehicle was stopped on North Savannah Street facing north with the front tires north of the limit line at Cesar E. Chavez Avenue. The OIS occurred during the hours of darkness at approximately 2300 hours, and artificial illumination was provided by over-hanging streetlights on the south curb of Cesar E. Chavez Avenue, west of Savannah Street and on the east curb of Savannah Street, south of Cesar E. Chavez Avenue.

According to Officer Urbina, he believed Orduno was running southbound on the west sidewalk of Savannah Street at the time Officer Urbina discharged his service pistol. The FID investigation determined that both rounds impacted the corrugated metal fencing beyond Orduno.

According to Officer Redshaw, he also believed Orduno was running southbound on the west sidewalk of Savannah Street at the time Officer Redshaw discharged his service pistol. Officer Redshaw stated that he had "good background" of "businesses." The FID investigation determined that Officer Redshaw's round impacted the corrugated metal fencing located beyond Orduno.

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<sup>31</sup> Ibid.

The UOFRB noted that the background behind a suspect was a consideration in this incident; however, the background must be balanced in comparison to the threat a suspect may pose to the officers and community. In this case, the UOFRB determined, and the Chief concurred, that the background during this OIS did not pose any noteworthy concerns.

- **Officer Urbina** – .45 caliber, Springfield TRP, two rounds in a southwesterly direction from an approximate distance of 30 feet.

According to Officer Urbina, he observed Orduno arrive at the southwest corner of Cesar E. Chavez Avenue and Savannah Street. Orduno brought his handgun in up and pointed it in Officer Urbina's direction. Officer Urbina believed Orduno had the "ability" and "opportunity" to shoot Officer Urbina and had already demonstrated that ability by shooting two other people. Officer Urbina felt "very vulnerable" and believed he was going to be shot by Orduno as Orduno got closer to Officer Urbina. Upon observing Orduno raise his handgun, Officer Urbina moved his service pistol across his chest, towards his window, and turned his torso in a westerly direction.

Officer Urbina recalled, *"As the male with the handgun came towards the corner, and I - - well, I observed him bringing the handgun and pointing it towards my direction."*<sup>32</sup>

*"At that point, when I observed the suspect what appeared to be pointing in my direction, as they're running and still looking at me, I shifted and turned my body completely."*<sup>33</sup>

*"I know he has the ability and he has the opportunity to do so because he had just - - because he, you know, he had already shot two people.... And he had the opportunity just to run up on me and shoot me."*<sup>34</sup>

*"...for those seconds, I felt very vulnerable, very uncomfortable because I - - I - - I didn't have much. Just my panels. Maybe the - - the pillar... when I saw his hand come up, that's when I'm - - I'm coming across my chest with my weapon."*<sup>35</sup>

*"As I came across, across my body and turned my torso...."*<sup>36</sup>

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<sup>32</sup> Office Urbina, 1<sup>st</sup> Transcript, Page 8, Lines 23-25.

<sup>33</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 10, Lines 17-20.

<sup>34</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 32, Lines 21-22 and 25; and Page 33, Lines 1, 3-4, and 6-7.

<sup>35</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 33, Lines 18-20.

<sup>36</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 37, Lines 14-15.

*"So as I come up, thumb's on the top of the safety, I cross against my body. I come out when I grab the - - the two-hand grip."*<sup>37</sup>

According to Officer Urbina, as Orduno ran, Orduno's body was still turned in a position that was facing Officer Urbina and still pointing his handgun at Officer Urbina. Officer Urbina believed he could not exit his police vehicle since doing so would place him in the direct path of Orduno. From a seated position within his police vehicle, Officer Urbina utilized his service pistol to aim at Orduno's upper body, disengaged the thumb safety of his service pistol, and placed his finger onto his trigger. Officer Urbina discharged two rounds at Orduno. Officer Urbina stated that he discharged the two rounds to, "protect myself and my partner (Officer Redshaw) from the - - the threat of imminent death or danger or serious bodily injury." After he discharged the second round, Officer Urbina could no longer observe Orduno or the unidentified male.

Officer Urbina recalled, "As he hits the corner and starts running southbound, I see him still turning, looking in my direction, with to me it appeared to be as he's still pointing the handgun."<sup>38</sup>

*"...he appeared to raise the gun and leveled in my direction, which I immediately, to protect myself and my partner from the - - the threat of imminent death or danger or serious bodily injury, I fired two rounds."*<sup>39</sup>

*"At that time, because I could not exit my vehicle, because if I did, I would be in direct path, I could not exit through the - - through the passenger because I didn't know what my partner was doing. I felt like the only option I had was to shoot from a seated position from my vehicle."*<sup>40</sup>

*"This is something that we've done in past training days with our platoon where we shoot from our vehicles. I know that you can establish a good balance shooting platform from - - from the vehicle."*<sup>41</sup>

*"Oh, his - - upper body. Yeah."*<sup>42</sup>

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<sup>37</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 39, Lines 8-10.

<sup>38</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 14, Line 25 and Page 15, Lines 1-3.

<sup>39</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 7, Lines 11-14.

<sup>40</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 8, Lines 1-6.

<sup>41</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 8, Lines 7-10.

<sup>42</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 15, Lines 4-16.

*“Safety goes down, fingers along the frame. And then when the safety goes down, that’s when my finger goes to the trigger.”<sup>43</sup>*

*“Yes. So after I fired the two rounds, I lost sight of them because I’m still seated in my vehicle and my vision is - - it’s restricted. I exited my vehicle.”<sup>44</sup>*

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness and necessity of Officer Urbina’s use of deadly force. During their review the UOFRB considered Orduno’s actions. According to Officer Urbina, Orduno, after running from two bodies lying on the ground, held a handgun and brought it upwards, pointing it in the direction of Officers Urbina and Redshaw. Orduno ran towards Officers Urbina and Redshaw while pointing his handgun. Officer Urbina, unable to redeploy without placing himself in the path of Orduno, believed Orduno’s actions presented the threat of death or serious bodily injury and discharged two rounds at Orduno.

The UOFRB noted Officer Urbina’s articulation on his perception of an imminent threat and the necessity to utilize lethal force in order to protect his life and the life of Officer Redshaw. Other force options, including the possible deployment of less lethal munitions, were not practical due to Orduno pointing a handgun at Officers Urbina and Redshaw. The UOFRB considered the environmental conditions when considering Officer Urbina’s use of lethal force. The UOFRB noted it occurred during the hours of darkness with a low level of light in Officer Urbina’s background. Additionally, the UOFRB considered the incident was rapidly unfolding and dynamic, giving Officer Urbina little time to react. The UOFRB also considered Officer Urbina’s assessment of Orduno’s actions after discharging his rounds and noted Officer Urbina demonstrated fire control and discipline. The UOFRB noted Officer Urbina discharged two rounds and immediately assessed, ultimately ceasing fire once Orduno no longer posed an imminent threat of death or serious bodily injury.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Urbina, would reasonably believe Orduno’s actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, the Chief found Officer Urbina’s Use of Lethal Force to be In Policy, No Further Action.

- **Officer Redshaw** – 9mm, Glock Model 17, one round in a southwesterly direction from an approximate distance of 30 feet.

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<sup>43</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 39, Lines 5-14.

<sup>44</sup> Officer Urbina, 2<sup>nd</sup> Transcript, Page 16, Lines 2-7.

According to Officer Redshaw, he observed Orduno holding a handgun as Orduno was running in an easterly direction. As Orduno was running, Officer Redshaw observed Orduno's handgun pointing in Officer Redshaw's direction, causing him to fear for his life. Officer Redshaw stated that he believed that the "suspect is going to fire at me or my partner." Officer Redshaw assessed to ensure he had a "good background" prior to discharging his service pistol. Officer Redshaw observed the background consisted of a parking lot. While standing on the east side of his police vehicle, Officer Redshaw raised his service pistol utilizing a two hand grip and aimed at Orduno's center mass. Officer Redshaw stated that "in immediate defense of my life and my partner's life," he discharged one round at Orduno to stop the threat that Orduno posed. Officer Redshaw assessed and observed that Orduno and the unidentified male had fled to an unknown location. Officer Redshaw determined there was no longer a threat; therefore, he ceased firing.

Officer Redshaw recalled, *"The - - there was a running motion.... And with the running motion, the hands are moving up and down.... And the hands were being raised.... I believed when the hand was coming up... and I'm in a position where when the hand's coming up a quick movement, which was happening, is the point that I felt threatened, and it was my immediate defense of life."*<sup>45</sup>

*"Just the fact that the arm was coming up. Like, as I mentioned, they're coming around the corner, the arm's coming up. There's that motion and feeling that the arm is coming towards my direction with the firearm."*<sup>46</sup>

*"At that point the motion of one of the suspects with a firearm, and as I mentioned in the previous day, the arm, the movement, based on the totality of the circumstances and the weapon, and the weapon moving and coming up, fearing for my life, how important all the events from happening all together, that I took - - I fired a round in the immediate defense of my life and my partner's life."*<sup>47</sup>

*"I believe when the - - the handgun is being raised and there's this movement, that that handgun being raised and coming towards my direction raising and coming towards my direction is the point where the suspect is going to fire at me or my partner."*<sup>48</sup>

*"I believe I was attempting to get to the two-handed grip."*<sup>49</sup>

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<sup>45</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 29, Lines 1-24.

<sup>46</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 30, Lines 18-22.

<sup>47</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 13, Lines 12-19.

<sup>48</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 44, Lines 17-21.

<sup>49</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 32, Lines 4-9.



*"...was attempting to shoot and center my mass... to stop the threat."*<sup>50</sup>

*"Yes. The threat stopped."*<sup>51</sup>

*"I wasn't in a position to attempt to control the suspect or do any movements. It was more of a position to get in a position of cover."*<sup>52</sup>

*"After the shot firing, I believe, one round at their direction with a - - with the background I mentioned earlier, I felt like this was the last resort.... I lost sight of the suspects."*<sup>53</sup>

*"...it appears on the other side, there's either parking lots, and that I have a good background, which is important in any type of incident."*<sup>54</sup>

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness and necessity of Officer Redshaw's use of deadly force. During their review, the UOFRB considered Orduno's actions. According to Officer Redshaw, Orduno, after running from two bodies lying on the ground, held a handgun and brought it upwards, pointing it in the direction of Officers Urbina and Redshaw. Orduno ran towards Officers Urbina and Redshaw while pointing his handgun. Officer Redshaw redeployed to a better position of cover, but still observed Orduno pointing a handgun in Officers Urbina and Redshaw's direction. Officer Redshaw believed Orduno's actions presented the imminent threat of death or serious bodily injury and discharged one round at Orduno. The UOFRB noted that Officer Redshaw utilized lethal force to prevent serious bodily injury or death to both officers and that Officer Redshaw continued to assess after firing his round. Officer Redshaw observed Orduno and an unidentified male running away and ceased firing. The UOFRB noted Officer Redshaw's articulation on his perception of an imminent threat and the necessity to utilize lethal force in order to protect his life and the life of Officer Urbina. The UOFRB also considered Officer Redshaw's assessment of Orduno's actions after discharging his round and noted Officer Redshaw's fire control and discipline. Other force options, including the possible deployment of less lethal munitions, were not practical due to Orduno pointing a handgun at Officers Urbina and Redshaw. The UOFRB also considered the environmental conditions when considering Officer Redshaw's use of lethal force. The UOFRB noted it occurred during the hours of darkness with a low level of light in Officer Redshaw's background. Additionally, the UOFRB considered the incident was rapidly unfolding and dynamic, affording Officer Redshaw limited time to react.

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<sup>50</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page.33, Lines 2-10.

<sup>51</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page33, Lines 14-17.

<sup>52</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 35, Lines 23-25.

<sup>53</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page 13, Lines 21-25 and Page 14, Lines 3-4.

<sup>54</sup> Officer Redshaw, 2<sup>nd</sup> Transcript, Page12, Lines 21- 24.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Redshaw, would reasonably believe Orduno's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, the Chief found Officer Redshaw's Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Equipment**

- **BWV Activation** – The FID investigation determined that prior to the OIS, Officer Urbina's BWV was powered off. After the OIS, Officer Urbina powered on his BWV and activated the camera; therefore, his video did not have a two-minute buffer and did not capture the OIS.

This issue was brought to the attention of Captain C. Valenzuela, Serial No. 33440, Assistant Commanding Officer, METRO, who advised this deviation from Department policy was addressed through the initiation of a personnel complaint investigation.<sup>55</sup> The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Redshaw's BWV was powered on at the time of the OIS; however, upon exiting the police vehicle his BWV camera was dislodged from its carrier and fell onto the street at the northeast corner of Savannah Street and Cesar E. Chavez Avenue. Officer Redshaw noticed that his BWV camera had fallen to the ground when he attempted to activate the camera. After the OIS, Officer Redshaw's BWV was recovered by Sergeant Phillips. No BWV video of the incident was captured. This issue was brought to the attention of Captain Valenzuela who advised that Officer Redshaw's lack of BWV was unintentional and not a deviation from Department policy. As such no corrective action was taken. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

**Note:** At the time of the incident Officers Urbina and Redshaw were issued the Axon 2 BWV device. The Department had previously initiated an evaluation of the mounting system for the Axon 2 BWV device. As a result of the evaluation, the Outerwear Magnet Mount and Wing Clip Mount are now the only mounts authorized to secure the Axon 2 and Axon 3 BWV devices to an officer's uniform. The Wing Clip Mount is being distributed to Department personnel. In November 2020, Metropolitan Division began distribution of the Axon 3 BWV device and Wing Clip

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<sup>55</sup> Personnel Complaint CF No. 20-00150 was generated to address this concern.

Mount. The Metropolitan Division distribution of the Axon 3 BWV device and Wing Clip Mount was completed after this incident had occurred.

Counter-Terrorism Group conducted a random inspection of Officers Urbina and Redshaw's BWVs. Officer Urbina's BWV was audited from June 19, 2020 through September 9, 2020, specific to the two-minute buffer. The results of the inspection indicated no buffering concerns. Officer Redshaw's BWV was audited from April 20, 2020 through December 31, 2020, specific to the timely activation of video. The results of the inspection indicated no late activation concerns.

- **Required Equipment** – During the incident Officer Redshaw's Hobble Restraint Device was not on his person, but was stored in his police vehicle. This issue was brought to the attention of Captain Valenzuela, who advised that this issue was addressed through the issuance of an Employee Comment Sheet, and the generation of a Supervisory Action Item (SAI). The Commanding Officer of Counter-Terrorism and Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Loading Standards** – The FID investigation revealed that Officer Redshaw's service pistol was not fully loaded. During this incident, FID detectives determined Officer Redshaw had fired one round from his service pistol and a post-incident examination of Officer Redshaw's service pistol revealed it was loaded with one round in the chamber and fifteen rounds in the magazine. The Department loading requirement for Officer Redshaw's service pistol was one round in the chamber and 17 additional rounds in the magazine. Captain Valenzuela advised that this issue was addressed through the through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Protocols Subsequent to a Categorical Use of Force** – The investigation revealed Sergeant Gregozek administered a PSS to Officer Urbina shortly after the OIS. Sergeant Gregozek did not deactivate his BWV prior to administering the PSS and the PSS was subsequently captured on Sergeant Gregozek's BWV. Captain Valenzuela advised that this issue was addressed through informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

### **Audio/Video Recordings**

- **Body Worn Video (BWV)** – The FID investigation determined that Officer Urbina's BWV was powered off and Officer Redshaw's BWV was dislodged from its carrier and fell onto the street. Neither BWV captured the incident.

Sergeants Gregozek, Phillips, and Vasquez' BWV devices captured their activities after the OIS had occurred. Sergeant Gregozek's BWV footage captured Officer Redshaw and Sergeant Phillips locating Officer Redshaw's BWV device and Officer Urbina's PSS. Sergeant Phillip's BWV device captured officers responding to the victim's location.

All members of the K-9 search team had their BWV devices activated during their search. Officer Wills' BWV captured Orduno being taken into custody.

- **Outside Video** – The FID investigation revealed that video footage from 2817 Cesar E. Chavez Avenue captured Officer Redshaw briefly on the southeast corner of Cesar E. Chavez Boulevard and Savannah Street. Additionally, footage from 2826 Cesar E. Chavez Avenue captured victims Martinez and Monarrez falling to the ground after being struck by gunfire.
- **Digital In-Car Video System (DICVS)** – Officers Redshaw and Urbina's police vehicle was not equipped with DICVS. Many of the patrol units that responded to the incident were equipped with DICVS; however, these units arrived after the OIS and did not capture any relevant footage. Therefore there was no DICVS recording of the OIS.

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's analysis.

#### **Tactical De-escalation**

- The OIG concurs with the Chief's analysis.
- Officers Urbina and Redshaw unexpectedly encountered an armed suspect running toward them in the immediate aftermath of a shooting and, as such, had minimal opportunity to implement de-escalation techniques prior to the OIS. Following the OIS, however, the officers appropriately initiated containment (as opposed to pursuing the suspects), communicated effectively, and caused the response of additional resources to assist with the search for the suspects. In these regards, their actions were consistent with the Department's de-escalation training.

#### **BWV and DICVS Policy Compliance**

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
31378	Redshaw, T.	No	N/A <sup>56</sup>	No	N/A	N/A
38969	Urbina, L.	No	No	No	N/A	N/A

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<sup>56</sup> Officer Redshaw's BWV device was powered on at the time of the incident and, as such, would have captured the full 2-minute buffer period had it been activated during the incident. However, the device was dislodged from Officer Redshaw's uniform as he exited the police vehicle, and it was never activated.

## **Inspector General Recommendations**

### **Tactics**

- The OIG concurs with the Chief's findings.

### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

### **Lethal Use of Force**

- The OIG concurs with the Chief's findings.
- The available evidence in this case establishes that Orduno was one of two suspects who were involved in a multi-victim shooting/homicide with a handgun moments before they encountered Officers Urbino and Redshaw. The officers both heard gunshots and observed apparent victim(s) on the ground as Orduno and the unidentified suspect ran toward them. Although there is no video evidence to document the suspects' actions at the time of the OIS, both Officers Urbino and Redshaw described that Orduno pointed a handgun in their direction. Officers Urbino and Redshaw reacted by firing their pistols at Orduno, discharging two rounds and one round at him, respectively. The available evidence supports the reasonableness of each officer's belief that the use of deadly force was necessary to address the apparent imminent threat of serious bodily injury or death posed by Orduno's actions, and it supports the determination that each officer promptly reassessed and ceased the use of deadly force once that threat had diminished.



MARK P. SMITH  
Inspector General